

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

HILDA L. SOLIS,)	
SECRETARY OF LABOR,)	
UNITED STATES DEPARTMENT OF LABOR,)	
	Plaintiff,) CIVIL ACTION FILE
) NO. 3:09-cv-162
v.)	
)	
HILL COUNTRY FARMS, INC. d/b/a)	
HENRY'S TURKEY SERVICE, and)	
KENNETH HENRY, individually,)	
	Defendants.)

CONSENT INJUNCTION

Plaintiff having filed her Complaint, and Defendants having agreed to the entry of this Injunction without contest;

It is, therefore, upon motion of counsel for the Plaintiff, and for cause shown:

ORDERED, ADJUDGED, and DECREED that Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this judgment be, and each of them hereby is, permanently enjoined and restrained from violating the provisions of 29 U.S.C. §§ 215(a)(2) and 215(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), hereinafter called the Act, in any of the following manners:

1. Defendants shall not, contrary to 29 U.S.C. §§ 206 and 215(a)(2) of the Act, fail to pay to their employees employed in their enterprise engaged in commerce or in the

production of goods for commerce, wages at rates not less than \$7.25 an hour, or any rate subsequently made applicable by amendment to the Act.

2. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2) of the Act, employ any of their employees in commerce or in the production of goods for commerce, or in their enterprise engaged in commerce in the production of goods for commerce for workweeks longer than 40 hours without compensating such employee for his or her employment in excess of 40 hours per workweek at a rate not less than one and one-half times the regular rate at which he or she is employed.

3. Defendants shall not, contrary to 29 U.S.C. §§ 211(c) and 215(a)(5) of the Act, fail to make, keep and preserve adequate and accurate records of their employees, and of the wages, hours and other conditions and practices of employment maintained by them, as prescribed by the regulations issued, and from time to time amended, pursuant to 29 U.S.C. § 211(c) of the Act (29 C.F.R. Part 516). Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

It is further ORDERED that the allegations contained in the Complaint relating solely to Randy Neubauer, Dru Neubauer, James Neubauer, Andy Weeks, Kara Scott and Danny Miles are dismissed with prejudice. This Court's Ruling Granting Plaintiff's Motion for Partial Summary Judgment entered on April 21, 2011 (Doc. 17) disposes of all other allegations of the Complaint and is specifically excluded from this dismissal.

Each party shall bear her, his or its own costs, fees and other expenses incurred to date by such party in connection with any stage of this proceeding.

Dated this 18th day of July, 2011.



HAROLD D. VIETOR
Senior United States District Judge

Entry of this
Injunction is hereby
consented to:

KENNETH HENRY, an individual

By /s/ Kenneth Henry
Kenneth Henry
Defendant

HILL COUNTRY FARMS, INC. d/b/a/ HENRY'S TURKEY SERVICE

By /s/ David L. Scieszinski
David L. Scieszinski
Bar #000005005
108 E. 4th Street
P.O. Box 394
Wilton, IA 52778
Attorney for Defendants Hill Country Farms, Inc.
d/b/a Henry's Turkey Service and Kenneth Henry

APPROVED:

M. Patricia Smith
Connecticut Bar #371708
Solicitor of Labor

Michael A. Stabler
MO Bar #26211

Regional Solicitor

/s/ Mary D. Wright

Mary D. Wright

MO Bar #31981

Trial Attorney

2300 Main Street, Two Pershing Square

Suite 1020

Kansas City, MO 64108

(816) 285-7260

(816) 285-7287 (fax)

U.S. Department of Labor

Attorneys for Plaintiff